

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:13CR244  
vs. )  
JORGE MUÑOZ-RAMON and )  
LUIS VALLEJO, )  
Defendants. ) ORDER

This matter is before the court on the motion of Ashley R. Trankle and Joshua W. Weir to withdraw as counsel for defendant Jorge Munoz-Ramon (Muñoz-Ramon) (Filing No. 159). The court held a hearing on the motion on January 31, 2014. Munoz-Ramon was present with his counsel Ms. Trankle. The government was represented by Special Assistant U.S. Attorney Martin J. Conboy, IV. During an in camera session with Munoz-Ramon and Ms. Trankle, the court determined the attorney client relationship was ruptured to the point that new counsel should be appointed. Ms. Trankle and Mr. Weir's motion to withdraw is granted and such counsel have leave to withdraw.

Munoz-Ramon was scheduled for a change of plea hearing on March 4, 2014. Munoz-Ramon stated he wished to go to trial. Furthermore, Munoz-Ramon requested the appointment of counsel. The court was presented a Financial Affidavit (CJA Form 23) signed by Munoz-Ramon in support of a request for appointed counsel. After a review of the Financial Affidavit, I find Munoz-Ramon is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska.

Jim K. McGough, 11920 Burt Street, #100, Omaha, NE 68154, (402) 614-8655, is appointed to represent Munoz-Ramon for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. McGough shall file his appearance in this matter forthwith. The clerk shall provide a copy of this order to Mr. McGough and to the Federal Public Defender. Ms. Trankle and Mr. Weir shall forthwith provide Mr. McGough with the

discovery materials provided the defendant by the government and such other materials obtained by them which are material to Munoz-Ramon's defense.

In order to provide new counsel adequate time to prepare for trial, trial of this matter is rescheduled before Judge John M. Gerrard and a jury commencing at 9:00 a.m. on March 4, 2014. During the hearing on January 31, 2014, Munoz-Ramon requested such additional time and acknowledged the time provided would be excluded from the computations under the Speedy Trial Act. The additional **time** arising as a result of the granting of this request, i.e., the time between **January 31, 2014, and March 4, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

Since Munoz-Ramon is charged in the same Superseding Indictment with co-defendant Luis Vallejo (Vallejo), the court inquired of SAUSA Conboy whether the trial of Vallejo scheduled for February 3, 2014, should be continued to March 4, 2014, for a joint trial with Munoz-Ramon. SAUSA Conboy represented to the court that there should be separate trials as there are statements by Munoz-Ramon which would cause a problem in a joint trial considering **Bruton v. United States**, 391 U.S. 123 (1968). SAUSA Conboy stated such issue was not raised prior to this time since Munoz-Ramon was scheduled for a change of plea and the issue was believed to be moot. In light of Munoz-Ramon's renewed request for trial, the government moved to sever the trial of Vallejo from that of Munoz-Ramon. The motion to sever is granted and the trial of Vallejo alone will proceed as scheduled on February 3, 2014, before Judge Gerrard and a jury.

**IT IS SO ORDERED.**

DATED this 31st day of January, 2014.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge